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11 VIN WHEALEN GAINES JR.

12
13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,) Case No. 2:20-cr-00208-JAM
16 Plaintiff,)
17 vs.) **STIPULATION AND ORDER
18 VIN WHEALEN GAINES JR.,) TO CONTINUE STATUS
19 Defendant.) CONFERENCE AND EXCLUDE TIME
20) Date: January 18, 2022
21) Time: 9:30 a.m.
22) Judge: Hon. John A. Mendez**

23 IT IS HEREBY STIPULATED by and between Phillip A. Talbert, United States
24 Attorney, through David Spencer, Attorney for Plaintiff, and Heather Williams, Federal
25 Defender, through Assistant Federal Defender Douglas Beevers, Attorney for Defendant Vin
26 Whealen Gaines, Jr., **that the Status Conference scheduled for January 18, 2022 may be
27 continued to February 1, 2022 at 9:30 a.m.**

28 The parties specifically stipulate as follows:

- 29 1. By previous order, this matter was set for a status on January 18, 2022.
- 30 2. By stipulation, Mr. Gaines now moves to continue the status conference to
31 February 1, 2022 at 9:30 a.m.
- 32 3. Defense counsel requires additional time to continue the factual investigation,
33 review discovery, and conduct necessary legal research to determine an appropriate resolution in
34 this matter.
- 35 4. The government does not object to the continuance.

5. Based upon the foregoing, the parties further stipulate that for the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, the time between January 18, 2022 and February 1, 2022 (inclusive) should be deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv) (Local Code T4), because it would result from a continuance granted by the Court at the defense's request based upon a finding that the ends of justice served by granting the continuance outweighs the best interest of the public and Mr. Gaines in a speedy trial.

Respectfully submitted,

HEATHER E. WILLIAMS
Federal Defender

Date: January 14, 2022

/s/ *Douglas Beevers*
DOUGLAS BEEVERS
Assistant Federal Defender
Attorney for Defendant
VIN WHEALEN GAINES JR.

Date: January 14, 2022

PHILLIP TALBERT
United States Attorney

/s/ David Spencer
DAVID SPENCER
Assistant U.S. Attorney
Attorney for Plaintiff

ORDER

The Court, having received and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order.

IT IS SO ORDERED.

Date: January 18, 2022

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE